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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark A. Ritchart et al.

Serial No.: Art Unit:

Filed: December 12, 2000 Examiner:

For: METHOD AND APPARATUS FOR AUTOMATED  
BIOPSY AND COLLECTION OF SOFT TISSUEJC531 U.S. 734787 PRO  
09/12/13/00  
12/13/00INFORMATION DISCLOSURE STATEMENT

Form PTO-1449 Pursuant to 37 CFR 1.97(b) - Within 3 months of filing or prior to 1st Office Action

Certification Pursuant to 37 CFR 1.97(c) - Before Final Office Action or Allowance

Fee Payment Pursuant to 37 CFR 1.97(c) - Before Final Office Action or Allowance  
[\$240.00 Petition Fee as provided for in 37 CFR 1.17(p)]

Petition, Certification & Fee Pursuant to 37 CFR 1.97(d) - Before issue fee payment  
[\$130.00 Petition Fee as provided for in 37 CFR 1.17(i)]

Honorable Assistant Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Sir:

The following are submitted in the above identified application in compliance with 37 CFR 1.97 & 1.98:

A list of documents on Form PTO-1449 together with copies of each identified non U.S. document and a translation or a concise explanation of each non-English language document is enclosed herewith.

A list of documents on Form PTO-1449 is enclosed herewith. The references listed on the attached Form PTO-1449 form were submitted to and/or cited by the Office in the prior application, and, therefore, are not, according to Applicant's understanding, required to be provided in this application.

This paper is submitted in accordance with:

37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action].

37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and

The required certification is made hereinbelow; or

The \$240.00 fee specified in 37 CFR 1.17(p) for submission of this information Disclosure Statement is authorized hereinbelow.

37 CFR 1.97(d): [before issue fee payment]; and

a) This is a petition for consideration of the subject Information Disclosure Statement.  
The petition fee (\$130.00) required by 37 CFR 1.17(i) is authorized hereinbelow; and

b) The required Certification is set forth hereinbelow.

Certification:

Each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or

No item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this document after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(C) more than three (3) months prior to the filing of this Statement.

Please charge all applicable fees associated with the submittal of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 10-0750/END-712/BES. An original and two (2) copies of this document are enclosed.

Respectfully submitted,

December 12, 2000  
Date

  
\_\_\_\_\_  
Attorney: Bernard E. Shay  
Reg. No. 32,061  
Phone: (513) 337-3231

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|  |  |  | Docket No.: END-712       | Serial No.:   |
|  |  |  | Applicant: Richart et al. | 09/734787 PRO |
|  |  |  | Filed: December 12, 2000  | Group:        |

## U.S. PATENT DOCUMENTS

| Exam'r Init. |    | Document No. | Date     | Name            | Class | Sub Class | File Date |
|--------------|----|--------------|----------|-----------------|-------|-----------|-----------|
| MM           | AA | Re. 33,258   | 7/10/90  | Onik et al.     | 604   | 22        | 11/30/87  |
|              | AB | Re. 34,056   | 9/8/92   | Lindgren et al. | 128   | 754       | 5/3/91    |
|              | AC | 2,705,949    | 4/12/55  | Silverman       | 128   | 2         | 8/25/53   |
|              | AD | 2,919,692    | 1/5/60   | Ackerman        | 128   | 2         | 2/23/56   |
|              | AF | 3,404,667    | 10/8/68  | Springer        | 128   | 2         | 7/8/65    |
|              | AF | 3,590,808    | 7/6/71   | Muller          | 128   | 2B        | 9/4/68    |
|              | AG | 3,606,878    | 9/21/71  | Kellogg, Jr.    | 128   | 2B        | 10/4/68   |
|              | AH | 3,732,858    | 5/15/73  | Banko           | 128   | 2 B       | 2/14/69   |
|              | AI | 3,734,099    | 5/22/73  | Bender et al.   | 128   | 305       | 4/7/91    |
|              | AJ | 3,844,272    | 10/29/74 | Banko           | 128   | 2 B       | 4/4/72    |
|              | AK | 4,099,518    | 7/11/78  | Baylis et al.   | 128   | 2 B       | 5/10/76   |
|              | AL | 4,200,106    | 4/29/80  | Douvas et al.   | 128   | 305       | 10/11/97  |
|              | AM | 4,203,444    | 5/20/80  | Bonnell et al.  | 128   | 276       | 11/7/77   |
|              | AN | 4,210,146    | 7/1/80   | Banko           | 128   | 305       | 6/1/78    |
|              | AO | 4,243,048    | 1/6/81   | Griffin         | 128   | 751       | 9/21/76   |
|              | AP | 4,306,570    | 12/22/81 | Matthews        | 128   | 754       | 8/20/80   |
|              | AQ | 4,393,872    | 7/19/83  | Reznik et al.   | 604   | 151       | 5/27/80   |
| MM           | AR | 4,461,305    | 7/24/84  | Cibley          | 128   | 754       | 9/4/81    |

## FOREIGN PATENT DOCUMENTS

| Exam'r Init. |    | Document No. | Date    | Country | Class | Sub Class | Translate Yes No |
|--------------|----|--------------|---------|---------|-------|-----------|------------------|
| MM           | AS | WO93/22972   | 3/26/98 | PCT     | A61B  | 17/068    |                  |
| MM           | AT | WO93/14707   | 8/5/93  | PCT     | A61B  | 17/32     |                  |

## OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

|  |                 |          |
|--|-----------------|----------|
| AU   |                 |          |
| Examiner   | H. Rosenberg    |          |
|  | Date Considered | 10/12/01 |
| <p>*Examiner: See note on original PTO form concerning initialing and MPEP 609 compliance.<br/>Include copy of this form with next communication to applicant.</p> |                 |          |

|                                |  |  |                                      |             |
|--------------------------------|--|--|--------------------------------------|-------------|
|                                |  |  | Docket No.: END-712                  | Serial No.: |
| List of Art Cited by Applicant |  |  | Applicant: Richart et al.            |             |
|                                |  |  | Filed: December 12, 2000 Group: 3736 |             |

## U.S. PATENT DOCUMENTS

| Exam'r Init. |    | Document No. | Date     | Name             | Class | Sub Class | File Date |
|--------------|----|--------------|----------|------------------|-------|-----------|-----------|
| MAA          | AA | 4,517,944    | 5/21/85  | Frost            | 128   | 305       | 7/24/81   |
|              | AB | 4,600,014    | 7/15/86  | Beraha           | 128   | 754       | 2/10/84   |
|              | AC | 4,644,951    | 2/24/87  | Bays             | 128   | 305       | 9/16/85   |
|              | AD | 4,651,753    | 3/24/87  | Lifton           | 128   | 751       | 10/12/84  |
|              | AE | 4,681,123    | 7/21/87  | Valtchev         | 128   | 753       | 10/31/86  |
|              | AF | 4,699,154    | 10/13/87 | Lindgren         | 128   | 754       | 7/30/86   |
|              | AG | 4,702,260    | 10/27/87 | Wang             | 128   | 753       | 4/16/85   |
|              | AH | 4,702,261    | 10/27/87 | Cornell et al.   | 128   | 754       | 7/3/85    |
|              | AI | 4,708,147    | 11/24/87 | Haaga            | 128   | 753       | 12/19/86  |
|              | AJ | 4,729,764    | 3/8/88   | Gaultier         | 604   | 38        | 6/5/86    |
|              | AK | 4,733,671    | 3/29/88  | Mehl             | 128   | 754       | 3/17/87   |
|              | AL | 4,735,215    | 4/5/88   | Goto et al.      | 128   | 754       | 1/5/87    |
|              | AM | 4,781,202    | 11/01/88 | Janese           | 128   | 754       | 8/31/00   |
|              | AN | 4,844,088    | 7/4/89   | Kambin           | 128   | 753       | 12/11/87  |
|              | AO | 4,850,373    | 7/25/89  | Zatloukal et al. | 128   | 749       | 3/25/88   |
|              | AP | 4,893,635    | 1/16/90  | De Groot et al.  | 128   | 754       | 1/1/88    |
|              | AQ | 4,919,146    | 4/24/90  | Rhinehart et al. | 128   | 752       | 10/25/88  |
| MAA          | AR | 4,924,878    | 5/15/90  | Nottke           | 128   | 751       | 11/7/88   |

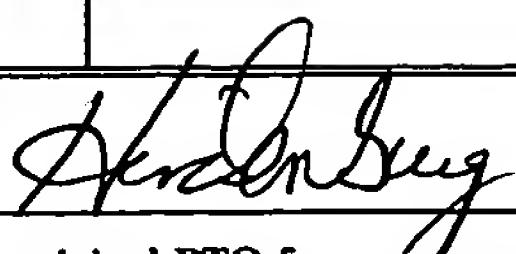
## FOREIGN PATENT DOCUMENTS

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|--------------|----|--------------|------|---------|-------|-----------|------------------|
|              | AS |              |      |         |       |           |                  |
|              | AT |              |      |         |       |           |                  |

## OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

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|  | AU |  |  |
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Examiner



Date Considered

10/2/01

\*Examiner: See note on original PTO form concerning initialing and MPEP 609 compliance.  
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|                                |                           |             |
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| Exam'r Init. |    | Document No. | Date     | Name               | Class | Sub Class | File Date |
|--------------|----|--------------|----------|--------------------|-------|-----------|-----------|
| <i>MM</i>    | AA | 4,940,061    | 7/10/90  | Terwilliger et al. | 128   | 754       | 11/27/89  |
|              | AB | 4,944,308    | 7/31/90  | Akerfeldt          | 128   | 751       | 11/14/88  |
|              | AC | 4,958,625    | 9/25/90  | Bates et al.       | 128   | 754       | 7/18/89   |
|              | AD | 4,966,583    | 10/30/90 | Debbas             | 604   | 98        | 2/3/89    |
|              | AE | 4,971,067    | 11/20/90 | Bolduc et al.      | 128   | 751       | 5/5/88    |
|              | AF | 4,976,269    | 12/11/90 | Mehl               | 128   | 754       | 12/11/90  |
|              | AG | 4,991,592    | 2/12/91  | Christ             | 128   | 754       | 12/4/89   |
|              | AH | 5,005,585    | 4/9/91   | Mazza              | 128   | 754       | 4/24/89   |
|              | AI | 5,031,634    | 7/16/91  | Simon              | 128   | 754       | 1/19/90   |
|              | AJ | 5,048,538    | 9/17/91  | Terwilliger et al. | 1288  | 754       | 5/9/90    |
|              | AK | 5,108,381    | 7/28/92  | Kolozsi            | 604   | 319       | 3/11/91   |
|              | AL | 5,111,828    | 5/12/92  | Kornberg et al.    | 128   | 754       | 9/18/90   |
|              | AM | 5,125,413    | 6/30/92  | Baran              | 128   | 754       | 4/17/91   |
|              | AN | 5,133,359    | 7/28/92  | Kedem              | 128   | 754       | 2/8/91    |
|              | AQ | 5,133,360    | 7/28/92  | Spears             | 128   | 754       | 3/7/91    |
|              | AP | 5,174,300    | 12/29/92 | Bales et al.       | 128   | 751       | 2/7/92    |
|              | AQ | 5,183,052    | 2/2/93   | Terwilliger        | 128   | 753       | 11/7/90   |
| <i>MM</i>    | AR | 5,183,054    | 2/2/93   | Burkholder et al.  | 128   | 754       | 9/9/91    |

## FOREIGN PATENT DOCUMENTS

| Exam'r Init. |    | Document No. | Date | Country | Class | Sub Class | Translate Yes No |
|--------------|----|--------------|------|---------|-------|-----------|------------------|
|              | AS |              |      |         |       |           |                  |
|              | AT |              |      |         |       |           |                  |

## OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

|  |                  |                 |                |
|--|------------------|-----------------|----------------|
|  | AU               |                 |                |
| Examiner   | <i>Arden Bay</i> | Date Considered | <i>10/2/01</i> |
| *Examiner: See note on original PTO form concerning initialing and MPEP 609 compliance.<br>Include copy of this form with next communication to applicant. |                  |                 |                |

|                                       |                                  |                    |
|---------------------------------------|----------------------------------|--------------------|
| <b>List of Art Cited by Applicant</b> | <b>Docket No.:</b> END-712       | <b>Serial No.:</b> |
|                                       | <b>Applicant:</b> Richart et al. |                    |
|                                       | <b>Filed:</b> December 12, 2000  | <b>Group:</b> 3736 |

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| Exam'r Init. |    | Document No. | Date     | Name                | Class | Sub Class | File Date |
|--------------|----|--------------|----------|---------------------|-------|-----------|-----------|
| MAA          | AA | 5,188,118    | 2/23/93  | Terwilliger         | 128   | 753       | 4/24/91   |
|              | AB | 5,195,533    | 3/23/93  | Chin et al.         | 128   | 754       | 5/8/92    |
|              | AC | 5,197,484    | 3/30/93  | Kornberg et al.     | 128   | 753       | 5/8/92    |
|              | AD | 5,224,470    | 7/6/93   | Schneep-Pesch et al | 128   | 753       | 1/30/91   |
|              | AE | 5,224,488    | 7/6/93   | Neuffer             | 128   | 751       | 8/31/92   |
|              | AF | 5,234,000    | 8/10/93  | Hakky et al.        | 128   | 754       | 9/25/92   |
|              | AG | 5,243,994    | 9/14/93  | Rannalletta         | 128   | 754       | 2/12/92   |
|              | AH | 5,249,583    | 10/5/93  | Mallaby             | 128   | 754       | 11/9/92   |
|              | AI | 5,254,129    | 10/19/93 | Alexander           | 606   | 170       | 11/22/91  |
|              | AJ | 5,255,688    | 10/26/93 | Gilliard            | 128   | 753       | 9/26/90   |
|              | AK | 5,282,476    | 2/1/94   | Terwilliger         | 128   | 753       | 1/5/93    |
|              | AL | 5,284,156    | 2/8/94   | Schramm et al.      | 128   | 754       | 8/30/91   |
|              | AM | 5,301,684    | 4/12/94  | Ogirala             | 128   | 754       | 4/27/93   |
|              | AN | 5,313,958    | 5/24/94  | Bauer               | 128   | 754       | 4/22/93   |
|              | AO | 5,316,013    | 5/31/94  | Striebel, II et al. | 128   | 754       | 8/26/91   |
|              | AP | 5,320,110    | 6/14/94  | Wang                | 128   | 753       | 3/30/93   |
|              | AQ | 5,324,300    | 6/28/94  | Elias et al.        | 606   | 180       | 10/25/91  |
| MAA          | AR | 5,333,619    | 8/2/94   | Burgio              | 128   | 754       | 8/9/93    |

**FOREIGN PATENT DOCUMENTS**

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|              | AS |              |      |         |       |           |                  |
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**OTHER REFERENCES (include author, title, date, pertinent pages, etc.)**

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Examiner

*Richart*

Date Considered

*12/12/00*

\*Examiner: See note on original PTO form concerning initialing and MPEP 609 compliance.  
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|                                |                           |             |
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| Exam'r Init. |    | Document No. | Date     | Name            | Class | Sub Class | File Date |
|--------------|----|--------------|----------|-----------------|-------|-----------|-----------|
| AAA          | AA | 5,335,672    | 8/9/94   | Bennett         | 128   | 754       | 11/24/93  |
|              | AB | 5,336,176    | 8/9/94   | Yoon            | 604   | 51        | 4/15/92   |
|              | AC | 5,341,816    | 8/30/94  | Allen           | 128   | 754       | 12/7/92   |
|              | AD | 5,348,022    | 12/20/94 | Leigh et al.    | 128   | 754       | 2/26/91   |
|              | AE | 5,353,804    | 10/11/94 | Kornbery et al. | 128   | 754       | 3/17/93   |
|              | AE | 5,368,045    | 11/29/94 | Clement et al.  | 128   | 754       | 9/14/90   |
|              | AG | 5,526,822    | 6/18/96  | Burbank et al.  | 128   | 754       | 3/24/94   |
|              | AH | 5,538,008    | 7/23/96  | Crowe           | 128   | 751       | 3/17/94   |
| AAA          | AI | 5,649,547    | 6/22/97  | Ritchart et al. | 128   | 754       | 2/10/95   |
|              |    |              |          |                 |       |           |           |

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| Exam'r Init. |    | Document No. | Date | Country | Class | Sub Class | Translate Yes No |
|--------------|----|--------------|------|---------|-------|-----------|------------------|
|              | AJ |              |      |         |       |           |                  |
|              | AK |              |      |         |       |           |                  |
|              | AL |              |      |         |       |           |                  |
|              | AM |              |      |         |       |           |                  |

## OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

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|  | AN |  |  |
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|  | AO |  |  |
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Examiner

*Harold Avery*

Date Considered

*10/12/01*

\*Examiner: See note on original PTO form concerning initialing and MPEP 609 compliance.  
Include copy of this form with next communication to applicant.